



31.10.2018

NOTICE TO MEMBERS

Subject: Petition No 0061/2018 by Constance Mbassi Manga (French) requesting to stop the inhuman treatment and enslavement of refugees and migrants in Libya

1. Summary of petition

The petitioner refers to a video released by CNN showing black Africans being sold into slavery in Libya, illustrating their inhuman conditions of detention by the Libyan authorities. The petitioner questions the EU's role in assisting the Libyan authorities, as well as the EU policy of externalisation of migration control to some transit countries (such as Niger or Libya). She is calling on the European Parliament to urge the Libyan authorities to take immediate action to put an end to these crimes against humanity.

2. Admissibility

Declared admissible on 14 May 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 October 2018

The Commission received two similar letters from the petitioner, on 26 April 2017 and on 3 October 2017.

The Commission is aware of the dire situation that migrants are facing in Libya and of the lucrative criminal activities of smugglers and traffickers. It shares the belief that, as Europeans mindful of European values, it is the Commission's duty to respond to the challenges that are emerging along the Central Mediterranean migration route and, in particular, in Libya. As stated by the President of the European Commission in his State of the Union Address to the European Parliament in September 2017, *"Europe has a responsibility – a collective responsibility – and the Commission will work in concert with the United Nations to put an end to this scandalous situation that cannot be made to last."*

The European Union's policy to address the migration challenges on the Central Mediterranean route is presented in the communication published on 25 January 2017 "Migration on the Central Mediterranean route, Managing Flows, Saving Lives". The Communication was endorsed by the EU's Heads of State and Government in the European Council with the Malta Declaration of 3 February 2017. In the course of 2017, the Commission has taken additional steps and commitments in the Action Plan for Italy (4 July 2017). On 28 August 2017, the Heads of State and Government of France, Germany, Italy, Spain and the EU, highlighted that efforts to deter hazardous journeys across the Central Mediterranean Route should be in parallel to efforts to improve human rights protection and living conditions for migrants in Libya.

In order to deliver on these commitments, the Commission is undertaking a number of actions. The Commission has adopted seven programmes worth EUR 266 million in support of migration management in Libya under the EU Emergency Trust Fund for Africa. These programmes aim to enhance protection and assistance for migrants and refugees in the country, to improve socio-economic conditions for both migrants and Libyan citizens in local communities and support Libyan authorities to better manage their borders in line with relevant international standards and human rights.

The implementation of most of the projects related to the abovementioned programmes has started and there are already some tangible results. Since the signature of the contracts, the UNHCR and the IOM are assisting migrants and refugees in detention centres, disembarkation points and in host communities along the migration route. In tangible terms, more than 52,000 migrants, refugees and asylum seekers have received direct assistance in the form of blankets, clothes and hygiene kits and over 26,000 migrants, refugees and asylum seekers have received medical assistance while more than 3,500 Libyan families in communities hosting migrants, refugees and asylum seekers have been assisted to fulfil their most basic needs. In addition, this support has enabled the distribution of ambulances and medical equipment as well as the rehabilitation of key infrastructure in selected municipalities. Thanks to this support, in 2017 and 2018, more than 28,000 vulnerable migrants have been assisted to voluntarily return from Libya to their home countries by the IOM. Under the EU Emergency Trust Fund for Africa, this support is complemented with reintegration packages to ease the process of returning home.

In addition to assisting migrants inside Libya, the Commission has set aside half a billion euros to support EU Member States in their efforts to resettle 50,000 persons in need of international protection as per the Commission's call. Persons will be resettled from key priority regions from key third countries along the main migratory routes, including Libya, Niger, Chad, Egypt, Ethiopia and Sudan. Over 25,700 persons have been resettled to the EU since 2015, and over 34,400 new resettlement pledges have so far been offered by Member States.

The Commission would like to emphasize that the EU is neither funding any militia or armed group, nor is it financing or supporting in any way the system of detention of migrants. The targeted projects that are being implemented aim at alleviating the suffering of migrants held in detention by improving access to life saving protection services and assistance (e.g. by providing basic equipment such as sanitation, ventilation and hygiene kits). In addition to the immediate crisis response, the EU intends to foster the establishment of alternatives to

detentions, in the form of safe spaces that are open 24/7 to cater the most vulnerable cases, to be managed by IOM, UNFPA and UNICEF. The EU is devising the provision of services including counselling and psycho-social support, medical treatment and other targeted services on a continuous basis.

Moreover, the European Consensus on Development commits the EU and its Member States to implement a rights-based approach (RBA) in all development cooperation programmes, encompassing all human rights, as outlined in the Commission Staff Working Document “Rights-Based Approach, Encompassing All Human Rights, for EU Development Cooperation”¹. The RBA approach five working principles, applying all rights, participation and access to decision-making, non-discrimination and equal access, accountability and access to rule of law and transparency and access to information, are implemented as appropriate in relation to any EU-funded project.

The cooperation of the EU with the internationally recognised Libyan Government of National Accord (GNA) is ongoing in many domains, including health, education, public governance and economic development. The EU support to the Libyan Coast Guard is part of this broader framework of EU-Libya cooperation in the area of capacity building and stabilisation.

Similarly, EUNAVFOR MED Operation Sophia is only one element of a more comprehensive EU response to the issue of irregular migration and forced displacement, which seeks to address not only its physical component, but also its root causes, including conflict, poverty, climate change and persecution. Operation Sophia's core mandate is to undertake systematic efforts to identify capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers. This is part of the wider EU effort to disrupt the business model of human smuggling and trafficking networks in the southern central Mediterranean and prevent the further loss of life at sea. Within Operation Sophia and with other programmes, the EU and its Member States are engaging in overarching training programmes for the personnel of the Libyan Coast Guard, whereby human rights modules are a core component of the curricula. Moreover, the vetting of trainees entails accurate security checks that are carried out by the competent services of the participating Member States.

The Joint African Union - European Union - United Nations Taskforce was established in Abidjan in November 2017, with the aim to save and protect lives of migrants and refugees along the Central Mediterranean route and in particular inside Libya, accelerating the assisted voluntary returns to countries of origin, and the resettlement of those in need of international protection. While there are still challenges to be addressed, the cooperation and joint work by the Taskforce has also contributed to ease the suffering of migrants and asylum seekers in the country, including through support provided via the EU Emergency Trust Fund for Africa.

Finally, European Council Conclusions of 28 June 2018 underlined the need to intensify efforts to stop smugglers operating out of Libya or elsewhere, and called on the EU to step up its support for the Sahel region, for coastal and southern communities in Libya as well as the Libyan Coastguard, to ensure humane reception conditions, voluntary humanitarian returns,

¹ http://www.ec.europa.eu/europeaid/sectors/rights-based-approach-development-cooperation_en

as well as voluntary resettlement. The conclusions also agreed on a new approach on disembarkation, calling on the Council and the Commission to explore the concept of regional disembarkation platforms, in close cooperation with relevant partner countries as well as UNHCR and IOM. The Commission is taking this work forward with a view to presenting concrete additional measures.

Conclusion

The design of cooperation projects can benefit from a healthy public debate, latest research findings and dissemination of reliable data. Therefore, the Commission constantly engages in public fora, with think-tanks and Civil Societies Organisations to better inform on its programming activities. It is for the same reason that the Commission welcomes the petitioner's contribution to informing the public, with the recommendation to always use documented and evidence-based information.